

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**ALLISON-GAIL SMITH, individually and on
Behalf of the Wrongful Death Beneficiaries of
Grace Vandygriff**

PLAINTIFF

V.

CIVIL ACTION NO. 1:21-cv-43-SA-DAS

WALMART, INC., et al.

DEFENDANT(S)

ORDER

Counsel for the plaintiff in this action issued subpoenas duces tecum to North Mississippi Medical Center and North Mississippi Medical Center Rehabilitation Institute for production of the decedent's medical records. In keeping with and informal past practice, these providers have produced they subpoenaed documents to the office of the Clerk of the Court, at Amory, Mississippi. The court in the past has allowed medical providers to produce subpoenaed medical records to the court clerk. The court would then notify counsel for the patient, typically the plaintiff, and provide to allow an opportunity to conduct a review of the records, prior to their release, typically to defense counsel.

In this instance, plaintiff's counsel, not defense served the subpoena for the records, making the rationale for this practice inapplicable here. But the court finds that this practice has burdened the court and the parties. It has caused needless delay and additional expense in obtaining subpoenaed medical documents. The court sees no justification for the continuation of this practice under Fed.R.Civ.P. 45, the local rules of this court, or HIPPA. The court advises

that production of subpoenaed medical records to the court is no longer an acceptable response to a subpoena duces tecum for said records.

Counsel for the plaintiff is directed to serve a copy of this order on the custodian of medical records at North Mississippi Medical Center and North Mississippi Medical Center Rehabilitation Institute, and to file proof of service in this court. Service may be accomplished electronically or by U.S. mail.

Plaintiff's counsel shall contact the Clerk's Office, within the next 14 days, to make arrangements to retrieve the medical records.

SO ORDERED this the 14th day of June, 2021.

/s/ David A. Sanders
U.S. MAGISTRATE JUDGE